

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION**

<b>UNITED STATE OF AMERICA,</b>	:	
	:	
	:	
	:	
v.	:	<b>Criminal Action No.</b>
	:	<b>7:05-cr-21 (HL)</b>
<b>ERIC JARRARD, KYLE JARRARD,</b>	:	
<b>and STEVEN JARRARD,</b>	:	
	:	
<b>Defendants.</b>	:	
	:	

**ORDER**

A federal grand jury returned a sixteen count superceding indictment charging the Defendants, Eric Jarrard, Kyle Jarrard, and Steven Jarrard, with conspiracy to commit bank fraud, multiple counts of bank fraud, and criminal forfeiture. These counts were the subject of a bifurcated jury trial held during the Court's October trial term in Thomasville, Georgia. After hearing the evidence regarding the alleged bank fraud, the jury found all Defendants guilty of Counts One, Fourteen, and Fifteen. Defendant Eric Jarrard was also found guilty of Counts Two through Seven, and all Defendants were acquitted on Counts Eight through Thirteen.

The Court then proceeded to the criminal forfeiture phase of the proceedings. Rather than present evidence as to the connection between the crimes charged and the property sought to the impaneled jury, the Government moved to dismiss Count Sixteen. According to the Government, civil forfeiture proceedings would be utilized should the Government

seek to take the property listed in Count Sixteen of the Indictment at a later date. Defendants objected to the Government's Motion arguing the Government was attempting to circumvent Defendants' right to have the jury determine whether or not there was a connection between the crimes charged and the property sought. The Court denied the Government's Motion to Dismiss Count Sixteen and instructed the Government to proceed with its case. After the Government declined to proceed, each Defendant moved for a Judgment of Acquittal as to Count Sixteen. All three motions were considered and are granted.

**SO ORDERED**, this the 15th day of November, 2006.

/s/ Hugh Lawson

**HUGH LAWSON, Judge**

scs